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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/722,751	11/26/2003	L. Marie Krey	RLK-MWLO-0304	7294
7590	03/21/2006		EXAMINER BRADEN, SHAWN M	
Robert Knechtel Suite 3300 10 S. LaSalle St. Chicago, IL 60603			ART UNIT	PAPER NUMBER
			3727	

DATE MAILED: 03/21/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

10/722,751

Applicant(s)

KREY, L. MARIE

Examiner

Shawn M. Braden

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☐ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a). Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 11/26/2003.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_.

## **DETAILED ACTION**

### ***Claim Objections***

1. Claim 20 objected to because of the following informalities: "divider" should probably be divided. Appropriate correction is required.

### ***Claim Rejections - 35 USC § 102***

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1,2,5-7,10-12,15-17,19,20 are rejected under 35 U.S.C. 102(b) as being anticipated by Sweet (USPN 3,487,972).

With respect to claim 1, Swett shows a container base (13) including a bottom, a back wall, being the back portion of element (14), having a first end and a second end, a generally circular side wall (14) having a length and further including a first side wall end adjacent to the back wall first end and a second side wall end adjacent to the back wall second end, the length and back wall defining a space, the space being disposed over the bottom', the space further comprising a first cross member (19) and a second cross member (19), Swett labels both of his cross members with the element (19), the first and second cross members further defining the space into a first compartment, a

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second compartment, and a third compartment; and, a cover affixed to the back wall, the cover disposed to reversibly cover the space of the container.

With respect to claim 6, Swett shows a container (10) including a bottom, a back wall having a first end and a second end, Swett does not label his wall components, yet he does shows a back wall having a two ends, a generally circular side wall (14) having a length and further including a first side wall end adjacent to the back wall first end and a second side wall end adjacent to the back wall second end, the length defining a space, being the inside of the container; the space further comprising a first cross member (19) and a second cross member, the second element (19), the first and second cross members (19) further defining the space into a first compartment, a second compartment, and a third compartment (fig. 2); and a cover (11) sized to reversibly cover the space of the container.

With respect to claim 11, Swett shows a container including a bottom (12), a back wall, a first side wall, and a second side wall, As stated before Swett does not particularly call out his, a back wall, a first side wall, and a second side wall but (fig. 1) clearly shows them.

The container having an interior defining a space; the space further comprising a first cross member (19) and a second cross member, the second element (19), the first and second cross members further defining the space into a first compartment, a second compartment, and a third compartment; and a cover (11) affixed to the back wall, the cover disposed to reversibly cover the space of the container.

With respect to claim 16, Swett shows a container including a bottom (12), a back wall, a first side wall, and a second side wall, as stated before Swett does not particularly call out his, a back wall, a first side wall, and a second side wall but (fig. 1) clearly shows them. The container having an interior defining a space; the space further comprising a first cross member (19) and a second cross member, the second element (19), the first and second cross members further defining the space into a first compartment, a second compartment, and a third compartment; and a cover (11) sized to reversibly cover the space of the container.

With respect to claims 2,7,12,17, Swett discloses rigid material plastic (col. 1 ln. 27).

With respect to claims 5,10,15,19 Swett shows the lid (11) further includes an exterior surface on which ornamentation can be applied.

With respect to claim 20, Swett shows a container base (13) further divided into at least three compartments (fig. 2) and a lid (11) disposed to reversibly seal the container base.

### ***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 3,8,13 rejected under 35 U.S.C. 103(a) as being unpatentable over Swett (USPN 3,487,972) in view of De Laforcade (USPN 6,857,432).

Swett discloses the invention substantially as claimed. However Sweet does not disclose a latch.

De Laforcade teaches a container with a latch in the analogous art of partitioned containers for the purpose of holding the container closed.

It would have been obvious to one having ordinary skill in the art at the time the invention was made add a latch to the container of Swett as taught by De Laforcade in order to hold the container closed.

6. Claims 4,9,14,18 rejected under 35 U.S.C. 103(a) as being unpatentable over Swett (USPN 3,487,972) in view of Barabino (USPN 5,046,620).

Swett discloses the invention substantially as claimed. However Sweet does not disclose the container further including a prepackaged wipe.

Barabino teaches a container with a including a prepackaged wipe in the analogous art of partitioned containers for the purpose of transporting prepackaged wipes.

It would have been obvious to one having ordinary skill in the art at the time the invention was made to provide prepackaged wipes in the Sweet container as taught by Barabino in order to transport prepackaged wipes.

### ***Conclusion***

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Please refer to 37 CFR 1.6(d) and 1.8(a)(2) for filing limitations concerning facsimile transmissions and mailing, respectively.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Shawn M. Braden whose telephone number is (571)272-8026. The examiner can normally be reached on Mon-Thurs 8-6:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nathan Newhouse can be reached on 571 272-4544. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

smb

  
**JES F. PASCUA**  
**PRIMARY EXAMINER**